

CITY COUNCIL MINUTES

June 22, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, June 22, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Adams: Okay, the Honorable Council of the City Of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Brinkerhoff-Riley

President Adams: There being eight (8) members present and one (1) member absent; eight members representing a quorum, I hereby declare this session of the Common Council to be opened.

PLEDGE OF ALLEGIANCE

We'll have Councilman O'Daniel, if you will, lead us tonight.

Fellow Councilmen and those in the audience, welcome to the June 22 meeting of the Common Council. This is the 12th of this year.

COUNCIL ATTORNEY

Tonight we are honored to have Scott Danks be our City Council Attorney. He's accompanied by his lovely daughter Alexandria, who attends North High School.

SERGEANT AT ARMS

We are also very fortunate tonight to have Officer Afifi, who is a good friend and is a superb policeman.

APPROVAL OF MINUTES

Is there a motion to approve the minutes of the June 8, 2015 meeting of the Common Council as written?

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So moved.

REPORTS AND COMMUNICATIONS

IN YOUR JUNE 19th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for June 22, 2015
- * Ordinances G-2015-18, F-2015-9, F-2015-10, R-2015-20 and R-2015-21
- * Resolutions C-2015-10 Docket, C-2015-10 Amended Docket
- * Weights and Measures Monthly Report from May to June 2015

EMAILED MATERIAL:

- * City Council Meeting Minutes for June 8, 2015

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * Fiscal Impact Statement for C-2015-9 Amended
- * Evansville Redevelopment Commission Minutes dated June 2, 2015
- * Blight Elimination Program Summary

President Adams: Is there a motion to receive, file and make these reports and communications a part of the minutes?

Councilman Lindsey: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. All those in favor please? Opposed? So moved.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-18

PUBLIC WORKS

BRINKERHOFF-RILEY

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as 100 W. Buena Vista

ORDINANCE F-2015-9

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-appropriation of Funds for Various City Funds

ORDINANCE F-2015-10

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Repeals, Re-appropriations and Additional Appropriations of Funds within a City Department (DMD)

President Adams: Is there a motion to adopt the Consent Agenda as written?

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: I have a motion and a second. All those in favor? Opposed? So passed.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE G-2015-17</u>	<u>PUBLIC WORKS</u>	<u>ROBINSON</u>
An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as 806 East Walnut Street, Located at a Part of Canal Street in Ballard's Addition, as per Plat Thereof, Recorded in Plat Book C, Page 212 Located in the Office of the Recorder of Vanderburgh County, Indiana, in the City of Evansville, Indiana, All in the Office of the Recorder of Vanderburgh County, Indiana		

<u>ORDINANCE F-2015-8</u>	<u>FINANCE</u>	<u>O'DANIEL, MOSBY</u>
An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-appropriations of Funds for Various City Funds		

<u>RESOLUTION C-2015-9 AMENDED</u>	<u>FINANCE</u>	<u>COUNCIL AS A WHOLE</u>
A Resolution of the Common Council of the City of Evansville Approving an Ordinance of the Vanderburgh County Income Tax Council Establishing the Percentage Credit Allowed for Homesteads for 2016 and Casting the Votes of the Common Council of the City of Evansville on Said Ordinance		

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, we heard ***Ordinance F-2015-8 and Resolution C-2015-9 Amended***. Both come forward with do-pass recommendations.

PUBLIC WORKS COMMITTEE:

CHAIRMAN LINDSEY

Chairman Lindsey: Mister President, your Public Works Committee met this evening to hear ***Ordinance G-2015-17*** and it comes forward with a do-pass.

President Adams: Is there a motion to adopt the Committee Reports and move the Ordinances and Resolution to a Third Reading?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So ordered.

REGULAR AGENDA
THIRD READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE G-2015-17</u>	<u>PUBLIC WORKS</u>	<u>ROBINSON</u>
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An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as 806 East Walnut Street, Located at a Part of Canal Street in Ballard’s Addition, as per Plat Thereof, Recorded in Plat Book C, Page 212 Located in the Office of the Recorder of Vanderburgh County, Indiana, in the City of Evansville, Indiana, All in the Office of the Recorder of Vanderburgh County, Indiana

President Adams: Is there a motion to adopt Ordinance G-2015-17

Councilman O’Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. Roll call please, when you have a chance.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Friend, Lindsey, O’Daniel, Weaver, Adams
Absent: Brinkerhoff-Riley

President Adams: There being eight (8) ayes, zero (0) nays, Ordinance G-2015-17 is hereby declared adopted.

REGULAR AGENDA
THIRD READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE F-2015-8</u>	<u>FINANCE</u>	<u>O’DANIEL, MOSBY</u>
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An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-appropriations of Funds for Various City Funds

President Adams: Is there a motion to adopt Ordinance F-2015-8?

Councilwoman Mosby: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Brinkerhoff-Riley

President Adams: There being eight (8) ayes and zero (0) nays, Ordinance F-2015-8 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-9 AMENDED FINANCE COUNCIL AS A WHOLE

A Resolution of the Common Council of the City of Evansville Approving an Ordinance of the Vanderburgh County Income Tax Council Establishing the Percentage Credit Allowed for Homesteads for 2016 and Casting the Votes of the Common Council of the City of Evansville on Said Ordinance

President Adams: Is there a motion to adopt Resolution C-2015-9 Amended?

Councilman Lindsey: So moved.

Councilwoman Mosby: Second.

President Adams: There's a motion and a second. Please have the roll.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Brinkerhoff-Riley

President Adams: There being eight (8) ayes and zero (0) nays, Resolution C-2015-9 Amended is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2015-10 AMENDED DOCKET COUNCIL AS A WHOLE

Amended Resolution Approving an Agreement between the City of Evansville and Vanderburgh County Regarding the Distribution of Funds Received from the 2015 Byrne Justice Grant Program Award

President Adams: Is there someone here who will flesh this grant out for us? It's an annual thing. Sorry to put you on the spot.

City Attorney Rep DeLucio: Well I'm sorry to be on the spot; Marco Delucio from the City Attorney's Office.

President Adams: Therefore, if you're sorry to be on the spot, I'm glad you are.

City Attorney Rep DeLucio: Sergeant Hubbard had indicated he would be here this evening but you're exactly correct. It's an annual grant that's given. It divides...

President Adams: It's a federal grant, right?

City Attorney Rep DeLucio: Federal grant...

President Adams: Yeah.

City Attorney Rep DeLucio:...that's given. This divides it between the Sheriff's Department and the Police Department. They do it on a pre-set percentage so... We filed an ordinance that looks amazingly similar to the prior years.

President Adams: Thank you. Are there any comments from Council? Are there any comments from the crowd tonight?

Okay, is there a motion to accept the amendment for Resolution C-2015-10 Amended?

Councilwoman Mosby: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second. Roll call vote when you get a chance.

City Clerk Windhorst: That would just be a voice vote to accept the amendment.

President Adams: Okay, have a voice vote. All those in favor? Opposed? So moved. Well thank you.

City Clerk Windhorst: You're welcome.

President Adams: Moving right along here. Miscellaneous Business.

Multiple Speakers: *Speaking Simultaneously*

Councilman O'Daniel: Now we need to adopt it.

President Adams: Huh?

Councilman O'Daniel: We accepted the amendment (*Inaudible*)...

President Adams: Oh that's right. I apologize. We've done the...ah gees. Hello. We'll have the roll call now.

City Clerk Windhorst: Is there a motion to adopt the Resolution...

Councilman O'Daniel: So moved.

City Clerk Windhorst:...as amended?

President Adams: Thank you, yes.

Councilwoman Mosby: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. All those in...please have a roll please.

ROLL CALL

Ayes: McGinn, Mosby, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

Absent: Brinkerhoff-Riley

President Adams: There being eight (8) ayes and zero (0) nays, and because I was so excited about Scott's meeting...report, therefore I declare Resolution C-2015-10 Amended adopted.

MISCELLANEOUS BUSINESS

The next meeting of the Common Council will be Monday, July 13, the day after my birthday. It'll begin about 5:30 p.m. The Committee Meetings will begin at 5:15 p.m. and we're going to...by the way, that's Julius Caesar's birthday also.

Scott, would you like to come give your annual report? Welcome.

VenuWorks Executive Director Schoenike: Evening, Scott Schoenike, Executive Director of the Ford Center and the Victory Theater.

I guess I'll keep with the theme of tonight. I emailed out the...so you have an electronic copy of the report but reality is there's nothing really earth shattering in there. I think the main key is after the first...this is the third full year of the Ford Center being open; kind of passed the honeymoon year but our...financially and our attendance-wise and our number of events is pretty stable. You'll see it follows a pretty common factor with the past two years and looking ahead into 2015, actually it might be even a tick-up from 2014 but I think the important fact of that is, you know, we've kind of made it past the honeymoon years. It isn't going to be a blurb; I think we have a pretty sustainable plan for the Ford Center as far as financially, the part that we do the number of events. The attendance this last year was about 420,000 and number of events was 138 so I mean you see even the variance between the years is pretty...pretty non-existent there, and like I said, in 2015 actually with the number of events we've had in the first year it'll be actually up in '15 slightly but, you know, I think as you go through the report a little bit, I think the fun part is actually look through the events, and even though sometimes you don't hear of the events, when you start going through it, even I myself, you start seeing

the variety of the events and the different events that actually happen there and even though it may not be ones you hear about, the other parts of the community are attending.

We put another survey at the end of the year and the numbers came back very favorable, as they have in past years, with most of our percentages of customer happiness, you know, above 90% on most the questions and, you know, we'll look at expanding out some of the customer amenities, expanding the food and beverage menus, stuff like that, as we do every year. We'll continue to look at that as expanding out.

So over all, the Ford Center, what you've seen is pretty much a...pretty consistent financial and event driven scenario. I mean obviously, you know, it's never enough. We'll always keep pushing to generate a little bit more, squeak a little bit more out, get one more concert. Obvi...you know, so that's not that we're not satisfied where we're at. You know I think we're always pushing and that's what you...that's what you have us here to do but I think the better news is you're not seeing a big dip after the first two years.

Any questions on the Ford Center and then I'll go to the Victory.

Councilman O'Daniel: Okay, you'll go to the Victory next.

Speaking Simultaneously

President Adams: Do you think...do you think the fact that the Icemen are going to start to mine the European leagues will help their win-loss record?

VenuWorks Executive Director Schoenike: You know, winning and losing in hockey is (Inaudible) yeah.

Speaking Simultaneously

President Adams: Come on, you're a hockey aficionado like I am.

VenuWorks Executive Director Schoenike: You know, you never know. I mean it's chemistry, it's excitement. I think the big thing there is the fans really stuck with them at the end of the year and they're excited about next year. There's a lot of good prospects, you know, and that's an important part. They keep that excitement level up with their fan base and I think even the players...I think they always play better under a bigger crowd, at-home crowd so I think they did a great job.

President Adams: But I thought it was just kind of an interesting wrinkle that they're going to go to Europe and look at some of the opportunities to get players from there too.

VenuWorks Executive Director Schoenike: Well, you know, I guess the Canadians would probably be mad.

Speaking Simultaneously

President Adams: I mean they do a wonderful job (*Inaudible*). What?

VenuWorks Executive Director Schoenike: Canadians will probably be mad more than anybody because that's where they mining (*Inaudible*).

Speaking Simultaneously

President Adams: Well that has to do with the dollar ratio.

Councilman O'Daniel: Scott, have you...one of the things we talked about a couple years ago was the electronics, the computer prog...or the computer contract was \$165,000 or so and you can do it for maybe a third of that. I think that contract's up at the end of this year. Are you in negotiations, at this point, to try to reduce that amount so that the...the net is better on the City?

VenuWorks Executive Director Schoenike: Yes. That's actually...has...this July 11...one more year added so we're almost ready to start the final year of that five-year contract with the City.

Councilman O'Daniel: It was a five-year contract?

VenuWorks Executive Director Schoenike: Five-year.

Councilman O'Daniel: Not just an add-on to the end of the...?

VenuWorks Executive Director Schoenike: Right, add...start...it was a five so what...and we've had discussions throughout the year so...and I think this time also the contract will probably with VenuWorks instead of the City and that gives us a little more freeway but they've been open to discussing a better package for what the needs really are of the Ford Center.

Councilman O'Daniel: Thank you.

VenuWorks Executive Director Schoenike: Any other questions on the Ford Center? I can briefly go on to the Victory.

President Adams: Any questions from the crowd before...on this subject? Great, thank you so much for coming.

VenuWorks Executive Director Schoenike: Just quickly on Victory.

President Adams: Oh yeah, excuse me.

VenuWorks Executive Director Schoenike: You know we...to you know...that's our second year of operation of the Victory, taking that over. We had it...actually a decent financial year if, you know, comparatively, yet we were down about 22% from historic subsidy needed for it. It's a little bit low. We had a little accrual that we were going on and insurance that backed out which kind of helped it but overall, I mean I think our new budget number...historically was \$369,000 but I mean our goal's around \$300,000 and I think...you know we were \$285,000 this last year but I think that \$300,000 is definitely achievable to reach. Obviously it's not where anybody wants to be, you know, as far as the subsidy being needed, but it's a...it's a beautiful theater but it is historic and it's costing a lot to run the...you know, utilities is probably one of its biggest chunks and that's just the age of the facility. They're just designed differently today but we continue to bring really good, diverse acts there as far as from comedians to acts to...we did...even did a Broadway show there this year, which is a little tricky with the backstage stuff, so I think you'll see quite a bit...if you're looking through, you'll see quite a bit...a few different events but kind of the same picture there. We'll try to continue to push that subsidy down that's needed for that facility and kind of go forward but making sure we're bringing a good number of events there and that was the directive I got ahead of time that even if the, you know, the subsidy's the same, if we're doing more events, we're bringing more quality of life to the people so it's kind of a two-fold goal as bring more events there, which we definitely have, and bring the subsidy down so, you know, we're working at both goals.

Councilman O'Daniel: Have you been approached...kind of changing subjects a little bit...to look at the Mesker music amphitheater to see what can be done out there with VenuWorks or what it might cost to sort of bring that up to...we'll call it usable space? *(Inaudible)*.

Speaking Simultaneously

VenuWorks Executive Director Schoenike: I know there's a study out there...tell you what to get it up to usable space is.

Councilman O'Daniel: I know; it's a big number.

VenuWorks Executive Director Schoenike: It's a big number.

Councilman O'Daniel: There's always a big number and then there's the real estate number so...

VenuWorks Executive Director Schoenike: And with the...the Mayor's Office, I mean we've kicked around a few times. It's kind of want to...do you dabble you toe in that. I mean obviously with the seats out and the stage not working correctly. I mean it'd have

to be the right...right event and what would it cost just to kind of reopen to do an event? Kind of makes it a tricky conundrum of how much do you invest into it to dabble your toe or, you know, and you can kind of get burned dabbling your toe a little bit so...

Councilman O'Daniel: Well, you know the market though and I mean, do you see a viable market for an amphitheater with Evansville?

VenuWorks Executive Director Schoenike: I definitely think it would get used but, you know, like most amphitheaters, you know the window of activity is pretty short...

Councilman O'Daniel: Three months, four months, whatever.

VenuWorks Executive Director Schoenike:...and it definitely needs to be looked at as a quality of life issue, not necessarily, you know, how will make back the millions we're going to invest it. I mean there's not a return on investment equation there; it really is about quality of life not return on investment.

President Adams: Any other comments from the Council? Any questions from the crowd for...on this subject?

Thank you so much, sir.

VenuWorks Executive Director Schoenike: Thank you.

President Adams: Good to see you again.

VenuWorks Executive Director Schoenike: Always feel free to email me or call me if you have questions.

President Adams: Okay, we'll do.

Okay, there's a Mr. Brad Nash; sir, would you join us?

Brad Nash: *(Off Mic)* Sure, that'll be fine.

President Adams: Please state your name and address, sir.

Brad Nash: Brad Nash, 4300 Keck Avenue, Evansville, Indiana.

President Adams: How can we help you?

Brad Nash: I have had problems with the Water Department here in the last 30 days over a couple different issues on my rental properties and I was trying to be well after like the house I had at 1415 E. Michigan. I had called in right there because I had an eviction order. I have papers here show what the court was and everything else and when I called the Water Department because I told 'em out there when I got her evicted out of the house right there that the water was still on; they needed to go shut it off. Then they told me on the phone right there, there was 14,000 gallons of stolen water out of that house so I'm going, "Well then why didn't you have the meter shut off then?" Well they said they shut it off back in January but apparently they knew right there, there was water being taken away from that property right there during those bunch of months of February, March, April, whatever. I don't know why they didn't go back out and shut the meter off again or put a lock on it or whatever so the people could not turn the thing back on and so they tell me I have to pay the bill (*Inaudible*) or I won't have service for any of my tenants coming up or anything else and I (*Inaudible*). I was very unhappy with that decision of theirs.

And it's under the same issue right there, I had another tenant at 4315 Frisse Avenue. They told me...I got a bill on it back here last month in May where they shut the water off on those tenants back in January or February. I get a bill right there for the...the...not the water but the sewer and the trash pick-up fees right there I guess three months later. And I said, "But that tenant is still in the house so how do they have service now?" Well the lease right there is made out to his name and her name; they're not a husband and wife but she told me right there that they just automatically flipped it over in her name right there and she didn't even know about it so I don't know who's telling me the truth or what so I ended up having to pay that bill too.

And I...what I'm really asking for is is for...and now Allen Mounts called me this afternoon. It's for right there to maybe take the registry right there we have from landlords and hook those addresses together and notify us right there when they do a shut off on a piece of property so that we can foresee right then and there right there to get things under control; not to know something about it three months later or whatever and so he tells me he has a program he's working on (*Inaudible*) and can come forward too if he wishes. Then he's going to work with me on right there to try get this with...resolved but I just, to me, I just feel like I shouldn't have to pay for stolen water when they know it's stolen and they kept on servicing the address right there, letting it run right there like that without me ever knowing what was going...I only found out when I called myself to make a complaint it was still on.

So I...you tell me right there where can I get services out of 'em like that to help me out right there like that so I end up with a surprise bills right there for what's going on. That's all I ask for right there is for some kind of better service right there like that to notify right there, by email or whatever, at this address that something's going on right there like this so I can follow up sooner than later.

Councilman O'Daniel: Allen (*Inaudible*)...oh.

Speaking Simultaneously

President Adams: Let me understand this. You had two rentals and you tried to evict both these people in January and the water was turned off, allegedly, in January?

Brad Nash: I didn't not try to evict the people on Frisse. The people on Michigan Street, I filed eviction back in mid-April. Then I didn't...and by the time I got possession of the property back in May, last month, that's when I found the water was still on and I called them and told them right there that...go turn the water off for the property; I had her gone. She was out of the house and gone.

President Adams: So these people were in the house still using the water, allegedly.

Brad Nash: That's what I understand.

President Adams: Somebody...somebody on the property turned the water back on once the Water Department turned it off.

Brad Nash: That's what I understand, yes. The tenants right there who must have turned the water back on somehow. Whether they had a street key or whatever, I don't know.

President Adams: Did they have one of those eye in the sky where they're supposed to be able to tell whether people are using water or not. That was...don't we have these brand new, whiz-bang...

Councilman O'Daniel: Well I think the thing might be interesting to know whether or not the Johnson's Control project had been out there yet because it's my understanding that that will help that situation...

Brad Nash: But the day I...

Councilman O'Daniel:...because they'll be able to tap into there...

Brad Nash: My whole issue right there is the day I called in to tell 'em that the water was still on; they needed to turn it off. They could already tell me right then and there, there was 14,000 gallons of stolen water, so I mean why couldn't I have been notified earlier?

Councilman O'Daniel: Okay, Allen?

Brad Nash: But anyway, like I said, he called me earlier today. He's going to try to work on some programs or something like that but can we not use the landlord's registry that we have to do right there on all the properties and they can kind a connect those things together so if they see that address pop up where they have a shut-off notice, they have a way email because they already know what that information is anyway. They can just email us to say we're shutting these people off this week because of non-payment.

President Adams: That'd be great, wouldn't it?

Brad Nash: That would be wonderful.

President Adams: Yeah.

Brad Nash: Then I could follow up right there to those people right then and there within days right there like that and either evict them right there or get the resolved issue.

President Adams: Speak, O Font of Knowledge.

W&S Utility Executive Director Mounts: *(Off Mic) (Inaudible)* Brand.

Brad Nash: *(Off Mic)* Nice to meet you.

W&S Utility Executive Director Mounts: Likewise.

Allen Mounts, Director for the Water & Sewer Utility. In the one situation where the water was been used without authorization, the water was actually turned off...I don't have the records here but let's say December or January, and when...at that time, your point, Conor, the meter for that location was being read monthly; it was not one that had been converted to a system where we can read it more real time so when they went out to read the meter again the next month they found that the meter was running. They went back out and shut off the water again so there's probably four times that the water was shut off during those months for unauthorized usage.

The account had been finaled-out so from our perspective that customer no longer was there or existed. We don't know who turned the water on but we know that the water was turned back on.

President Adams: Well you knew who was using it.

W&S Utility Executive Director Mounts: We know who was using it but we can't prove...

President Adams: Well how many, just out of curiosity, how times did you play that game of turning it off and on before you get *(Inaudible)*?

W&S Utility Executive Director Mounts: You know those are rare situations. They're unusual but they do happen but they're the exception rather than the rule so it's not a common occurrence that that happens but it does. It has happened before.

President Adams: So your meter reader should pick it up pretty quickly if it's so rare.

W&S Utility Executive Director Mounts: They wouldn't need it...do that because they're using a wand to read electronically. It isn't til he brings the data back and the data's uploaded; then you're able to run programs to see...for an account that was shut-off was water usage occurring. That's when the knowledge of that. So it takes some time to cycle through those.

But in...it's also what's unique in this situation is that the property that Mr. Nash rents is a septic system property, which is unusual. Most of the landlords know, who have those properties, because we can lean on the sewer-side. They stay in touch with us and obtain lists of the status of payments by their customers and there's a couple ways you can do that currently. We get property lists from landlords and we provide them with information on the status of the payments and that's one option.

There's also a way to look that up on-line and see the status of the payment. That requires entering some information into the system, so that's another option.

A third option that we are exploring is an email notification for somebody that'd want to subscribe, such as Mr. Nash, where if a disconnection is occurring, or a delinquency rather, is occurring, we'd be able to provide a push-notification, probably by email out to him. We still need to test that and see if that will function with the new billing system we have in place.

The other factor, to your point Conor, with the new meter system, once that's fully implemented we'll be able to set alarms that if the water is turned back on, we'll know within an hour that it is being turned so that'll be a useful tool for us. We've not had that tool in this situation here so in the interim what we ask is that we have an opportunity to work with Brad here to show him some things that other landlords are using that he had not utilized. And with the other landlords, again, it's important for them because ultimately the sewer portion of it because lienable; the water portion is not lienable and because in his situation it was a one-off, if you will, the customer service staff was thinking about a typical arrangement as opposed to something that was rather unique in Brad's situation.

So I think we're going to be able to work out, with some tools for him going forward, and that will help him out in managing his properties as well. Of course there's always the option for a landlord, if they so wish to do so, could set the account up in their name and collect that as part of the monthly payment, rental fees, and that's always available for a landlord to do.

Brad Nash: But you try to collect from somebody you've evicted that disappears out of town; you understand how that goes. My only point is I never would have been out that much money if I was ever told right there that there was water being used right there. I could already...I know that tenant was the same one still in there because I have court records to prove they're right there when they're trying to get 'em out of there at the court date.

W&S Utility Executive Director Mounts: I understand.

President Adams: How much does 14,000 gallons cost?

W&S Utility Executive Director Mounts: Sixty some-odd dollars.

President Adams: What?

W&S Utility Executive Director Mounts: Sixty some-odd dollars, I think.

Brad Nash: It was a little over 60 bucks. In this case I was fortunate right there; there was no sewer charges.

President Adams: Right.

Brad Nash: That'd been another eighty some-odd dollars.

W&S Utility Executive Director Mounts: We're going to meet with him tomorrow and show him these other tools that he could use.

President Adams: And in the future you'll be able to know right away that these people are turning it back on the first time in the face of a formal shut-off.

W&S Utility Executive Director Mounts: We will. We'll be able to set those alarm settings there. There's still things we've got to learn about how to get that done but that has that feature and functionality in it, as well as I've reported before, we'll be able to set some alarms if there's unusual usage. For an active account where there's a water leak that may appear that it's going on, we'll be able to have some alarms there and be able to reach out to customers that way as well so...

President Adams: And are you going to be able to mesh that with the registry.

W&S Utility Executive Director Mounts: I...you know, we can take a look at that but it's a separate system than what we have in our customer system and the complexities of, for example, using address naming conventions could be different in their system versus our system so you don't get an exact match and a...

President Adams: Could the landlord's call you and let them know which one of these have...which one of these accounts are rentals? Would that help at all?

W&S Utility Executive Director Mounts: They do that today. We have many landlords who stay in touch with us to say, "I want the status of the following properties", and sometimes they provide us with the list and then we email them the information monthly because they...those with sewer accounts stay on top of it because they know that that can become lienable. That's the usual scenario that we have and in the case with the septic system, it was a one-off situation.

President Adams: Right, right.

Brad Nash: Yeah, and I understand that too and I'm going to learn some new things that they never would...never have any information for before but to me right there if, you know like, with my group of landlords and everything else that we deal with after we're talking about 4,000 houses here in Evansville, you wouldn't want us calling in right there every day checking on thousands of units all the time.

President Adams: Well, if I was going to have to...

Brad Nash: It'd be easier to only have to deal with only the ones that have issues right there like the ones you're going to turn the water off on to begin with then you only have to deal with that few of 'em by using the landlord registration. Notify us that way.

President Adams: I mean I commiserate with you but you knew that these two people were on their way out, right? You're renters were suspect.

Brad Nash: No, the other renter right there we're talking about on the other one...still in the house. They're fine.

President Adams: They just didn't pay.

Brad Nash: They just didn't pay a bill right there and they flipped it over into her name right there because her name was on the lease, but then again why didn't they go ahead

and say, "No, we wouldn't do that", because his name was on the lease too who they shut the water...

President Adams: So she is going to pay for that, right?

Brad Nash: Huh?

President Adams: She is going to pay for the...

Brad Nash: She has to pay for the water bill now right there but I had to pay for the bill after he didn't pay or I already went and collected the money from 'em already.

President Adams: But she's going to reimburse you, is she not? She was in the...

Brad Nash: Yes.

President Adams: She was in the house for that month.

Brad Nash: Yes, because they were still there right there like that, I could still get reimbursed but could have been a situation that they flew out overnight right there and I have no idea what's going on.

President Adams: Sure, sure.

Brad Nash: I only get notified three months later right there, not during the month right there it happens.

President Adams: Hm.

Brad Nash: That's why I've tried to get the communications done a little bit better between us right there like that so we don't have these issues down the road. That's all I'm asking for.

President Adams: Looks like you succeeded.

Brad Nash: Okay.

President Adams: Any questions from Council?

Are there any other subjects that we want to discuss tonight? Anything comes (*Inaudible*)? Any other...any other comments?

Please state your name and address, please sir.

Steve Ary: Steve Ary, 1249 John Street. I just have some questions about the developments downtown. Want to talk about the convention hotel first. I'll try to keep this shorter than last time.

The original rendition of the convention hotel represented 10 stories, 257 rooms, 78 high-end apartments with all-in public investment of 20 million but now we understand that the 257-room hotel has been cut to 240, the apartments have been eliminated from the project, decreasing the hotel from a 10-story building to only five stories; and the original plans had an in-door swimming pool but now we have an outdoor swimming pool. Is this true and why?

President Adams: Well I know the...I think the...my understanding is the rooms have gone down. It's gone from five to ten...from ten stories to five but it'll be a lot wider so I think the square area is pretty equal.

Councilman O'Daniel: Well I'd also say this...that we have been given a picture but we don't see any drawings yet. We don't know what...that's not (*Inaudible*).

President Adams: But you know it's a fatter building.

Councilman O'Daniel: It's a shorter, fatter building but we've not seen the renderings. We don't know what the cost estimates are; still in design as far we know.

Steve Ary: Okay.

Councilman O'Daniel: We were going to ask that this evening be we were declined...

Steve Ary: Okay.

Councilman O'Daniel:...the invitation; somebody declined the invitation.

Steve Ary: I see. Then I think that most of my questions are going to be about that. Are you going to be able to answer any of them tonight or...?

Councilman O'Daniel: I know what you know.

Steve Ary: Okay, alright. So is this something that we're going to be able to ask next time? Next meeting?

President Adams: Well Mr. Schaefer, you want to handle that?

Chief of Staff Schaefer: *(Off Mic)* What's the...what's the *(Inaudible)*?

President Adams: Well, he has some questions about the hotel he'd like answered.

Chief of Staff Schaefer: *(Off Mic)* Sure.

President Adams: We don't know the answer, you might.

Chief of Staff Schaefer: Sure, and I don't think an invitation was declined; I think the mayor relayed the current status of what...what was going on with the hotel by email and I think that Councilman Adams forwarded that to the rest of the Council...I think. Isn't that correct? Did everybody get a copy of that?

President Adams: Well he just thought there wasn't enough progress at this point that it merited that he come and answer our questions. He...I guess you...

Steve Ary: Oh, okay.

President Adams: It's a debate as to whether that's a decline or not but the bottom line was he said that was still in motion. There were two things that he suggested that maybe within a month or two might be more...more in concrete and I passed his email on to my colleagues.

Chief of Staff Schaefer: So construction drawings or...

President Adams: Somewhere along the line I vaguely remember that you told us that...

Chief of Staff Schaefer: Uh-hm.

President Adams:...Councilman O'Daniel and I were going to be apprised of what the progress has that we go on...a moment to moment basis; almost by Instagram and somehow that's fallen by the wayside.

Chief of Staff Schaefer: You mean on the new deal? And I...and I thought that you were but the new deal has been...oh, so you wanted to be involved in the entire...the entire process from the new deal when it was drawn up to the construction drawings to...throughout the process?

President Adams: Wasn't that your...

Chief of Staff Schaefer: Oh, okay.

Councilman O'Daniel: *(Off Mic)* I think we asked that but the Mayor said, "No, we're not going to do that".

Chief of Staff Schaefer: Oh on...no the Mayor said no to for the Council to approve the new design. I believe that's what he...we wouldn't be coming forward with the new design.

Councilman O'Daniel: *(Off Mic)* Pretty much he would let us know what he wanted us to know; it's kind of how I took it.

President Adams: But you and I asked for a possibility of us being...

Chief of Staff Schaefer: I think...

Councilman O'Daniel: *(Off Mic)* Of us sitting in so we could *(Inaudible)*...
Speaking Simultaneously

President Adams: Yeah, we would know moment to moment as to...

Chief of Staff Schaefer: Councilman O'Daniel, I'd...the Mayor, even before this meeting, said that he's seen just about everybody on Council outside of this building and no one has asked him about the hotel so I think that's a little disingenuous to say that the Mayor is...we'll let you know when he knows something.

The Mayor has...the Mayor has...

President Adams: Well time out! Time out. Whoa, whoa, whoa. Time out.

Chief of Staff Schaefer: That's what he just said.

President Adams: That's what I got from his email, that there hadn't been enough progress for him to come with any substantive amount of information and when he did...

Chief of Staff Schaefer: Uh-hm.

President Adams:...he might be coming to us but I mean that's the reality but I'm talking about way, way back a couple a months ago when you stood there and said that Councilman O'Daniel and I, if we would keep it confidential, we would be apprised of the details of the progress of this thing and that has not been forthcoming and you know it and I know it.

Chief of Staff Schaefer: Okay, well I apologize for that. I thought that the Mayor had been communicating with you on the new deal and there hasn't been any...there haven't been any new decisions made. Right now there are...construction drawings are being done and we're...

President Adams: Well will there be an outside pool or inside pool?

Chief of Staff Schaefer: I believe its outside.

President Adams: Outside pool.

Chief of Staff Schaefer: Uh-hum. And I think we covered that when the Mayor...

Speaking Simultaneously

President Adams: Which is going to be...which is going to be...which is going to be good for about three months of the year?

Chief of Staff Schaefer: I...I'm not a pool expert. I don't know.

President Adams: Okay, alright. Time out.

Chief of Staff Schaefer: What questions wouldn't...are there any questions that we can answer tonight or we can try to have a...

City Council Attorney Danks: *(Off Mic)* This gentleman *(Inaudible)*.

President Adams: Yeah, I think...

Chief of Staff Schaefer: We can have Sarah Schuler...

President Adams: You want at your...maybe if you want to ask questions...

Speaking Simultaneously

Chief of Staff Schaefer:...who's our project representative *(Inaudible)*.

President Adams:...he could answer 'em for you.

Steve Ary: Okay, so proceed?

President Adams: Yeah, please.

Steve Ary: Okay.

Councilman O'Daniel: *(Off Mic)* If he knows the answers.

President Adams: I'm not trying to stop you from answering your questions. sir. I don't think any of us can answer them at...this side of the table.

Steve Ary: Okay, then if that's the case, am I up here for a good reason or should I just *(Inaudible)*...

President Adams: Well perhaps.

City Council Attorney Danks: We're going to see if Mr. Schaefer can answer your questions.

President Adams: Yeah.

Steve Ary: Alright. Did you hear my question?

Chief of Staff Schaefer: *(Off Mic)* Would you like to...we can do this after the meeting if you want.

Councilwoman Robinson: *(Off Mic)* I'd like to hear the answers.

President Adams: Yeah, I've got the time if you've got the time.

Steve Ary: Okay.

Chief of Staff Schaefer: Okay.

Steve Ary: Okay, do I need to restate the question?

President Adams: Sure.

Steve Ary: Okay. The original rendition of the convention hotel represented 10 stories, 257 rooms, 78 high-end apartments with all-in public investment of 20 million dollars but now we understand that the 257-room hotel has been cut to 240, the apartments have been eliminated from the project, decreasing the hotel from a 10-story building to only five stories; and the original plans had an in-door swimming pool but now we have an outdoor swimming pool and the question is is this true and why?

Chief of Staff Schaefer: Sure. Can I have a copy of that so I can run down your list? Thanks.

For the...see...the Is it Trues or the...

Steve Ary: I'm sorry?

Chief of Staff Schaefer: Well all of 'em have "Is it true" so I'm just wondering if this is from the...

Steve Ary: Okay.

Chief of Staff Schaefer: 257 rooms...well it's...it has Is it True on all of the questions so I just didn't know.

President Adams: That rings a bell, doesn't it?

Chief of Staff Schaefer: Just the two...on the 257, and Kelley may have to help me...
Speaking Simultaneously

Councilman Weaver: So this is for a gossip site.

Chief of Staff Schaefer: The 240 is the room count.

DMD Executive Director Coures: *(Off Mic)* Well it was the initial design, the recommendation...

Chief of Staff Schaefer: Yeah.

DMD Executive Director Coures:...was 257. It was cut to 243 then the final design had 240.

Chief of Staff Schaefer: Yeah, on the...

President Adams: If you are going to add some actual numbers I think you should be up here too.

DMD Executive Director Coures: *(Off Mic)* Oh darn.

Chief of Staff Schaefer: On the ten-story, it is now five.
Speaking Simultaneously

President Adams: Well I mean he keeps asking you for the answer.

Chief of Staff Schaefer: No, I just asked him the one.

President Adams: Okay, alright.

DMD Executive Director Coures: *(Off Mic)* I'll move closer then.

President Adams: Alright.

Chief of Staff Schaefer: Because...

President Adams: I'll repeat what you say.

Chief of Staff Schaefer: Ten...ten-story building to five; it is now five because we spread it out and that was one of the ways that...

President Adams: And you spread it out because it's cheaper to have the foundation for a five-story building than a ten-story building.

Chief of Staff Schaefer: It was a cost cutting measure.

President Adams: Right.

Councilwoman Robinson: So does that still...is that still considered a high-rise?

Chief of Staff Schaefer: I don't know, I don't think so.

Speaking Simultaneously

DMD Executive Director Coures: *(Off Mic)* Ten stories isn't high-rise *(Inaudible)* is a low rise.

President Adams: Well you do get a shot at the anatomy lab if you're real careful.

Chief of Staff Schaefer: The...it's an indoor swimming pool. I mean...I apologize; outdoor.

Let's see here. The financials...

DMD Executive Director Coures: *(Off Mic)* But the outdoor still meets...

Chief of Staff Schaefer: Yes.

DMD Executive Director Coures: *(Off Mic)*...DoubleTree standards.

Chief of Staff Schaefer: Any savings on the project...we'll go to...Is it True that any save...Is it true that any savings on the project will go to HCW? No, I believe...I'm not sure what the development agreement says but I think that that's a good question for Nick Cirignano, who wrote that. We can have him at the next meeting.

And who is overseeing the construction costs to keep the players honest? As we talked about, we'll have project representatives to...that are going to be keeping tab on this and will be doing the monthly reports once the project, the construction actually begins. Sarah Schuler with VPS Architecture is going to be that individual.

President Adams: Is she on a retainer right now?

Chief of Staff Schaefer: I believe so.

DMD Executive Director Coures: *(Off Mic)* Yes.

Chief of Staff Schaefer: Yes.

President Adams: But we've not gotten one report yet she's on a retainer for how many months?

Chief of Staff Schaefer: Well I think that...

DMD Executive Director Coures: *(Off Mic)* *(Inaudible)* Redevelopment Commission.

President Adams: Ah.

Chief of Staff Schaefer: But we did commit to give *(Inaudible)*...

Speaking Simultaneously

President Adams: Maybe she could give us a report sometime.

DMD Executive Director Coures: *(Off Mic)* Sarah would be happy to come in and *(Inaudible)*.

Chief of Staff Schaefer: And we...as we committed, she would be doing monthly reports when construction was actually beginning so...

Do you want me to read through these?

City Council Attorney Danks: *(Off Mic)* It might be better if this gentleman asked Mr. Schaefer the questions rather than him reading the Is it True. I don't know. Why don't you just ask him...

DMD Executive Director Coures: *(Off Mic)* I can answer...

President Adams: Sir, why don't you do it the way you want to do it? This is your moment in time.

Speaking Simultaneously

Steve Ary: The apartments are not...okay.

City Council Attorney Danks: But if you...if I might, it might assist everybody here if you would ask one question at a time.

Steve Ary: Uh-hm.

City Council Attorney Danks: I think your first question was actually five or six questions and...but I think it'd be easier if you just asked one question at a time.

President Adams: I think it'll move along faster if you just do it single question at a time.

Steve Ary: Okay. The original public commitment was only 20 million and now it's at least 23.6 million. Is this true?

Chief of Staff Schaefer: The 20 million was...is still the public commitment.

Steve Ary: Okay, and is it true that the project alone is 44 million and \$183,333 per room, and based on the Hilton's 2013 development cost and prototype building cost data, the average seven story full service hotel, without land costs, average at less than \$165,000 per room. Why is our hotel costing us more than the average and equaling four million more or 10% greater?

Unidentified Speaker: *(Off Mic)* What's the source of your figures?

Chief of Staff Schaefer: Honestly, I can't answer that right this second. I...we can certainly have...we can...I can give this to Sarah and our folks and we can come up with the answers.

Steve Ary: Okay. Also, is it true that the streetscape and infrastructure along Walnut and down S.E. Sixth Street will be funded by funds outside this project and development agreement?

Chief of Staff Schaefer: The streetscapes are currently being...part of it will be funded out of the med school project and some out of the hotel.

President Adams: i.e. that part of the street that is next to the med school will be done by the med school and vice-versa.

Councilman O'Daniel: I think the area along Sixth Street, as I looked at the development agreement, would be funded out of the med school bond.

Chief of Staff Schaefer: And we're also...right now we're trying to coordinate sewer relocations as well so it's...we had...when everything starts, it's going to be a very hectic construction zone so...but we can...

Steve Ary: Okay, and what are those project costs and what is the alternative source of funding, especially since the 2015 April Downtown TIF declined by five million? Sorry.

Chief of Staff Schaefer: Which one...which one are you on?

Steve Ary: Number four.

Chief of Staff Schaefer: Number four? Again, we can...as far as I know there is no alternative source...that we're still using the TIF.

Steve Ary: Okay. Is it true that the garage includes 552 spaces, of which 200 are for the med school, costing \$10,050,000 or \$18,200 per space? The original garage before the med school was costed at \$5,461,956 or \$16,500 per space. So why does the med school's extra 200 spaces have a premium of \$1,700 per space?

Chief of Staff Schaefer: Good question. We did allocate for the parking garage. There is a specific number of spaces that have been allocated for the med school. There's a specific number that's allocated for Deaconess, the clinic and the hotel. Again, I'm going to have to...I don't know these per-space numbers but we can...we can certainly report back on it.

Should we...are these...are these your questions?

Steve Ary: They are today.

Chief of Staff Schaefer: So...

Steve Ary: We've been through this.

Chief of Staff Schaefer: Is this the blog?

Steve Ary: They're just questions I was handed.

President Adams: Sir...

Chief of Staff Schaefer: You were handed?

President Adams: Keep reading the questions please.

Steve Ary: Okay.

Chief of Staff Schaefer: Sir, are these your questions or you were handed these questions?

Steve Ary: They're questions that somebody that knows this stuff and does his research...

City Council Attorney Danks: Mr. Schaefer, if I may, he's a member of the public and he certainly has a right to ask these questions.

Chief of Staff Schaefer: I...

City Council Attorney Danks: If you don't want to answer 'em, decline to answer 'em but I don't think that it's fair to start getting into who's supplied him with the questions, where they came from, and that type of thing. He's the one asking the questions. I understand if you're not prepared to answer 'em or if you decline to answer 'em but I don't think that it's appropriate to start asking the questions that you're asking to a member of the public, any member of the public for that matter.

President Adams: Please, in the advent of time sir, go ahead. Keep asking your questions.

Steve Ary: Okay. Therefore, based on the original design with 332 per space versus 552, the total cost should be \$9,081,000 not \$10,050,000, a premium of \$969,000 to have IU.

Chief of Staff Schaefer: I don't know.

President Adams: Okay.

Steve Ary: Is it true that the garage will be licensed to HCW, not leased, and the City will be responsible for the upkeep of the garage, etc.?

Chief of Staff Schaefer: *(Off Mic)* That's a good one. I believe so, yes.

Steve Ary: And what will this cost the taxpayers of Evansville per year?

Chief of Staff Schaefer: I don't have that number but I can get it.

Steve Ary: Okay, is it true that the development agreement requires the city to be financially responsible for everything except the hotel with the guarantee going from 7.5 million to 9.9 million?

Chief of Staff Schaefer: That'd be a question for...that'd be question for Nick Cirignano, who we can have at the next meeting, who can probably answer all these.

Steve Ary: Okay, those ancillary costs appear to be \$16,850,000 plus the guarantee of \$9,900,000 equals a \$26,750,000, so my...is the City...City's paying \$28,000,000...\$28,250,000 or \$1,500,000 more than the project costs.

Chief of Staff Schaefer: Again, the public commitment is 20 million.

Steve Ary: Is it true that the City has responsible for the ancillary components budget overruns?

Chief of Staff Schaefer: No, I believe its HCW, the developer.

Steve Ary: What contingency has been built into the budget to cover?

Chief of Staff Schaefer: What contingency?

Steve Ary: And if none, where are these funds coming from?

Chief of Staff Schaefer: I believe that's the developer. I don't know where their fund...the developer's funds.

Steve Ary: And is it true that not all of the members of the Council have a copy of the revised development agreement? If so, why not?

Chief of Staff Schaefer: They should. The ERC minutes are distributed to Council and I believe the new agreement that was revised was approved and should be in...should have been in packets. That's...their...the development agreement wasn't?

Councilman O'Daniel: *(Off Mic)* It was talked about but I *(Inaudible)*.

Chief of Staff Schaefer: So it was part of the minutes and...

Councilman O'Daniel: *(Off Mic)* *(Inaudible)*

Chief of Staff Schaefer: Okay.

Councilman O'Daniel: *(Off Mic)* It's not *(Inaudible)*.

Chief of Staff Schaefer: Well, if any Councilmember would like a copy of the revised development agreement, more than happy to provide it.

DMD Executive Director Coures: *(Off Mic) (Inaudible)* the ERC had it *(Inaudible)* ...their ERC rep could get it for *(Inaudible)*. Either one.

Steve Ary: Is it true that the general contractor is not required to use local subs and suppliers if the cost and quality is not an issue?

Chief of Staff Schaefer: I don't believe that's correct.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Chief of Staff Schaefer: Yeah, there's a PLA that's going to be transferred.

Steve Ary: Is it true that for \$44,000,000 each and every hotel room will have a window air-conditioning unit? If so, will Hilton approve it?

Chief of Staff Schaefer: That's actually a rumor I started about a month ago when Haier America started their plant. It was a joke. Haier makes...one of the things that they make is air cond...well, no. There will not be outside air conditioning units at the hotel and the last question, Hilton...it will have to abide by Hilton's standards.

DMD Executive Director Coures: *(Off Mic)* DoubleTree standards.

Unidentified Speaker: *(Off Mic)* DoubleTree.

Chief of Staff Schaefer: Well Hilton DoubleTree.

Steve Ary: Is it true that the original UV windows have now been replaced with ordinary window glass.

Chief of Staff Schaefer: I don't know. That'll be a good question...Sarah Schuler will be able to probably answer that. She's been working closely with Hunt Construction so she'll be able to answer that.

DMD Executive Director Coures: *(Off Mic)* We'll meet DoubleTree standards.

Steve Ary: Okay.

DMD Executive Director Coures: *(Off Mic)* All construction *(Inaudible)* have to meet DoubleTree standards.

Steve Ary: Okay, and I think this might have been discussed before but the June, 2015 installment received from property owners in the form of property taxes was only 13

million compared to 21 million one year ago. What happened to the shortfall of eight million and how can this Council vote for the credit without any formal spending plan, as strongly suggested by Umbaugh financial advisors nearly a year ago?

City Controller Lloyd: Excuse me.

Steve Ary: Uh-hm.

City Controller Lloyd: As I explained earlier, there was no shortfall.

Steve Ary: Okay, thank you.

President Adams: So if I understand it, you're going to come back at our next meeting and Sarah's going to be here and Nick's going to be here and we will have all the answers. In the interim of time, Kelley, you're going to send all the City Councilmen, just for sake of completeness, the revised development agreement.

DMD Executive Director Coures: *(Off Mic)* I will send you the revised...well, I have Lana.

President Adams: Please.

DMD Executive Director Coures: *(Off Mic)* Lana has it; I'll have Lana send it all *(Inaudible)*.

President Adams: Okay, thank you so much.

Thank you sir, for joining us.

DMD Executive Director Coures: *(Off Mic)* Well invite Nick and Sarah.

City Council Attorney Danks: *(Off Mic)* You might want to ask. I think they're going to have the final construction plans. They're going to be submitted to the State in a week or so and you might...

Councilman O'Daniel: Steve, do you know the timeline...

President Adams: My...

Councilman O'Daniel:...on what we're supposed to...

President Adams: My legal counsel asked me...would there be a final...

City Council Attorney Danks: If I...Mr. Schaefer I think...correct me if I miss it...I think that the Mayor represented to President Adams that the final design plans would be prepared and submitted to the State for State approval within a week or two. Is that right?

Chief of Staff Schaefer: Hoping that the construction drawings are done by the end of the month.

City Council Attorney Danks: And those would contain most the answers...

Chief of Staff Schaefer: Yes.

City Council Attorney Danks:...to these questions.

Chief of Staff Schaefer: Yes, yeah and at the same time on a parallel path, when it's sent to the State we'll also do local site review parallel path so that it's done at the same time; not wait for the State so... But...

President Adams: So they'll be parallel path.

Chief of Staff Schaefer: Yes.

President Adams:...also to us too?

Chief of Staff Schaefer: Of the construction...

President Adams: There'll be three parallel paths? One to us and one to the State and one to the review?

Chief of Staff Schaefer: What would you...what would you like?

President Adams: I'd love to see what you're sending to the State.

Chief of Staff Schaefer: Okay, sure.

President Adams: Yeah.

Chief of Staff Schaefer: Sure. We haven't seen (*Inaudible*) either.

President Adams: Well, neither have we.

Okay, any other questions from Council about any subject at all? Any comments? Any more questions from the crowd tonight?

COMMITTEE MEETING SCHEDULE FOR JULY 13, 2015

FINANCE COMMITTEE:

Re: **Ordinance F-2015-9**

Time: 5:15 p.m.

Notify: Russ Lloyd

CHAIRMAN CONOR O'DANIEL

Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-appropriations of Funds for Various City Funds

Re: **Ordinance F-2015-10**

Time: 5:20 p.m.

Notify: Kelley Coures

Authorizing Repeals, Re-appropriations and Additional Appropriations within a City Department (DMD)

PUBLIC WORKS COMMITTEE:

Re: **Ordinance G-2015-18**

Time: 5:25 p.m.

Notify: Steve Bohleber

CHAIRMAN AL LINDSEY

Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana Commonly as 100 W. Buena Vista Road

A.S.D. COMMITTEE

No meetings scheduled at this time

CHAIRWOMAN STEPHANIE

BRINKERHOFF-RILEY

ADJOURNMENT

President Adams: Is there a motion for adjournment?

City Council Attorney Danks: *(Off Mic) (Inaudible)...*the Residency Ordinance *(Inaudible)*

Councilman O'Daniel: *(Off Mic)* Oh yeah. *(On Mic)* We have to file our notice of appeal by when?

City Council Attorney Danks: Thirty days from the date of the ruling. I want to say the ruling was maybe two and a half weeks ago, something like that, and I addressed appealing the local decision on the Residency Ordinance and I've suggested to Council that you had...certainly had time to think about that and consider that and Councilwoman Robinson was out of town due to a death in her family and I personally wanted to speak with her and it's my understanding that she supports the authorization of an appeal of the court's decision. And I spoke about that at the last meeting and, just briefly, I think that it's a...all appeals are uphill battles, I'm just going to be honest with you, they're always an uphill battle, but it's a...it was a very important ordinance to at least six of the nine Councilmembers and I certainly think that it's worthy of appeal and

it's not just about the Residency Ordinance itself, but hopefully we'll get guidance from the Court of Appeals on the extent of the Home Rule and just how far this Council can go.

It is an issue that comes up somewhat frequently as to whether proposed legislation by this Council is preempted by State statute and those questions come up someone frequently and we don't, unfortunately, we don't have any really good appellate court decisions that explain that thoroughly to give us guidance. And because this case was briefed extensively during the...in the trial courts, the cost of the appeal would be relatively small amount so that's all I have.

President Adams: Well I've already indicated to you that I'm in favor of backing the appeal.

Councilman O'Daniel: Would you like some voice vote because by the time that we would have to file will since probably exhausted our month, our 30 day notice since we won't be here until the 13th. I for one would like to see it filed so...

City Council Attorney Danks: I am. I would ask that the Council make a decision tonight...

President Adams: Okay.

City Council Attorney Danks:...as to whether you'll authorize me to bill it...I'm sorry. Yes?

President Adams: We are going to have a roll call vote on whether we should go forth with this appeal.

Comment made prior to casting his vote:

Councilman McGinn: With all due respect to Scott, I'm content with the decision and I vote no.

ROLL CALL

Ayes: Robinson, Friend, Lindsey, O'Daniel, Adams

Nays: McGinn, Mosby, Weaver

Absent: Brinkerhoff-Riley

President Adams: The count is five to three to go forth.

Councilman O'Daniel: *(Off Mic)* That's all *(Inaudible)*.

President Adams: Okay. Any other comments about anything?

It is important to understand that this suit was not started by the Council.

Okay, is there a motion for adjournment?

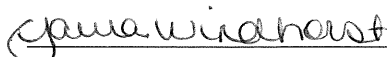
Councilwoman Robinson: So moved.

Councilman O'Daniel: Second.


President Adams: Thank you.

Bang of gavel.

Meeting adjourned at 6:38 p.m.



Laura Windhorst, City Clerk



H. Dan Adams, President